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09/923,360	08/08/2001	Jean-Jacques Moreau	01807.001288.	8922

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FITZPATRICK CELLA HARPER & SCINTO  
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EXAMINER
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SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2454

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/923,360	<b>Applicant(s)</b> MOREAU ET AL.	
	<b>Examiner</b> MOHAMMAD A. SIDDIQI	<b>Art Unit</b> 2454	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-19,21,23,26,28,30 and 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-19,21,23,26,28, 30, and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1, 3-19, 21, 23, 26, 28, 30, and 36 are presented for examination. Claims 2, 20, 22, 24-25, 27, 29, and 31-35 have been cancelled. Claim 36 is new.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/12/2009 has been entered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-19, 21, 23, 26, 28, 30, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce et al. (6,154,733) (hereinafter Pierce) in view of Desai et al. (6,877,093) (hereinafter Desai).

5. As per claims 1 and 21, Pierce discloses a method and device of determining a configuration profile for an electronic document processing peripheral device, the configuration profile representing a set of configuration parameters defining an operating mode of the peripheral device, a set of fixed values of the parameters defining a particular configuration of the peripheral device, said method implemented in a communication network that includes at least one client station (204,208, 150, fig 3, col 4, lines 4-21; col 6, lines 36-67), at least one server station and at least one processing peripheral device comprising the steps of:

determining (506) user characteristics (col 4, lines 15-21) as a function (postage printing, col 4, lines 4-22) of the user identification data item (user profile data, col 4, lines 13-22; col 6, lines 36-53, postage meter per account);

determining (508), as a function of the user characteristics (user profile data includes set parameter, col 4, lines 13-22; col 6, lines 34-67; col 7, lines 10-39) and of the peripheral device identification data item obtained (postage meter per account, col 6, lines 36-46), a configuration profile (ad data profile, fig 5, col 8, lines 41-67) applicable for configuring (software firmware, col 7, lines 40-50) the operating mode of the peripheral device (618, fig 4, col 6, line 54 to col 7, line 5; col 11, lines 4-23) for a document processing (600-618, fig 4, col 6, line 54 to col 7, line 5), request coming from

said user (user profile data includes set parameter for controlling third party advertising, 600-618, fig 4, col 4, lines 15-21); and  
sending (516) configuration profile (ad data profile, fig 5, col 8, lines 41-67) determined to the client station (150 fig 1, col 4, lines 15-21) operated by said user (150, fig 1, col 4, lines 5-21, postage printing system).

Pierce teaches obtaining the user profile from the central data center to print postal indicia on an envelope further user profile is used to identify message data (col 4, lines 4-25). Pierce does not explicitly teach obtaining (504) a user identification data item from a request sent by a client station operated by said user; obtaining a peripheral device identification data item from said request to configuring the operating mode of the peripheral device. However, Desai teaches obtaining (504) a user identification data item from a request sent by a client station operated by said user (username, col 11, line 40 to col 13, line 20); obtaining a peripheral device identification data item from said request to configuring the operating mode of the peripheral device (device id, col 11, line 40 to col 13, line 20). It would have been obvious to one having ordinary skill in the art to incorporate the teaching where user can set their system profile and associate profile for other devices/terminal for configuration updates taught by Desai into the system of the Pierce to host user profile and associated peripheral device at remotely located central data center for remotely configuring peripheral (postage system).

6. As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses the peripheral device identification data item is extracted

(504) from a request sent by a client station to the server station (data center establishes one postage meter per account so it is part of the user account/profile col 6, lines 36-44), the request being a document processing request or a request to obtain a configuration profile (col 4, lines 15-37).

7. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Desai discloses the said steps of determining user characteristics and determining a configuration profile are accomplished by means of a database (col 13, lines 1-20) in which there are stored, associated together, peripheral data each representing an identity of a peripheral, user data representing user characteristics, and configuration data each representing a configuration profile (col 13, lines 1-20).

8. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Desai discloses if required by the client station, updating (604, 606) a configuration of the peripheral in a context of the configuration profile applicable (col 13, lines 1-20).

9. As per claim 6, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses receiving (500) from the client station a request for obtaining the configuration profile applicable (col 4, lines 15-30); determining and sending (508, 516) to the client station the configuration profile applicable (ad data profile, fig 3-6, col 8, lines 41-67); and

receiving (600) from the client station the configuration profile applicable with parameter having a modified value (ad data profile, fig 3-6, col 8, lines 41-67).

10. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses the user identification data item is a chain of characters identifying a user and a password entered by the user in order to connect the user to the client station (col 7, lines 59-67).

11. As per claim 8, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses the user characteristics indicate a level of service subscribed to by a user (fig 3-6, col 6, lines 54-67; col 8, lines 41-67).

12. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses in that a level of service subscribed to by a user is defined according to a financial sum paid by a user (postage evidence system, 208, fig 2, col 6, lines 36-53).

13. As per claim 10, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses the peripheral identification data item is a network address of the peripheral (col 6, lines 36-67).

14. As per claim 11, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses the configuration data each represent a configuration profile indicate an electronic address of a computer object containing a configuration profile (col 5, line 63 to col 6 line 35).

15. As per claim 12, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses in that the network is an Internet (col 5, lines 1-9).

16. As per claim 13, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses the client station and server station communicate using an HTTP protocol (internet, col 5, lines 1-9).

17. 28. As per claim 14, the claim is rejected for the same reasons as claim 1, above. In addition, Desai discloses the electronic address of a computer object containing a configuration profile is an address of a uniform resource locator (URL) type and the computer object is an object defined in an annotation language of an extended mark-up language (XML) type (col 10, lines 59-67; col 13, lines 1-20; the POS configuration system is web-enabled and HTML, XML are the script language used).

18. As per claim 15, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses generating and sending (400-410) to the server station a request to configure an electronic document processing peripheral, the request



including a user identification data item and a peripheral identification data item (postage evidence system, 208, fig 2, col 6, lines 36-53); receiving (412, 414) a configuration profile of the peripheral from the server station, in response to the configuration request (fig 3-6, col 6, lines 54-67; col 8, lines 41-67).

19. As per claim 16, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses displaying (416) said configuration profile (fig 2); modifying (420, 422) a current configuration associated with the configuration profile (fig 2-5, col 8, lines 41-67).

20. As per claim 17, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses the peripheral configuration uses a peripheral driver, further comprising the step of, when the peripheral driver is stored in the server station: sending (434) to the server station the configuration profile containing the modified configuration (fig 2-5, col 8, lines 41-67; col 11, lines 5-23).

21. As per claim 18, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses the configuration of the peripheral uses a peripheral driver, further comprising the step of, when the peripheral driver of the peripheral is locally stored in the client station: using (426) the configuration profile for configuring the peripheral driver (fig 2-5, col 8, lines 41-67; col 11, lines 5-23).

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22. As per claim 19, the claim is rejected for the same reasons as claim 1, above. In addition, Pierce discloses electronic document processing peripheral, said method comprising determining a configuration profile in accordance with any one of claim 1 (ad data profile, fig 2-5, col 8, lines 41-67; col 11, lines 5-23).

23. As per claim 23, the claim is rejected for the same reasons as claims 1 and 3, above.

24. As per claim 26, the claim is rejected for the same reasons as claim 1, above.

25. As per claim 28, the claim is rejected for the same reasons as claim 1, above.

26. As per claim 30, the claim is rejected for the same reasons as claims 1, 2-19, above. In addition, Pierce discloses a server station (200 fig 1) a client station (150, fig 1).

27. As per claim 36, the claim is rejected for the same reasons as claim 1, above. In addition, Desai discloses wherein the peripheral device identification data item is extracted (504) from the request sent by a client station to the server station, the request being a request to obtain a configuration profile (username, col 11, line 40 to col 13, line 20).

***Response to Arguments***

28. Applicant's arguments filed 01/12/2009 have been fully considered but they are not persuasive, therefore rejections to claims 1, 3-19, 21, 23, 26, 28 and 30 is maintained.

29. In response to Applicant's arguments **against the references individually**, one cannot show non-obviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Pierce teaches determining (506) user characteristics (col 4, lines 15-21) as a function (postage printing, col 4, lines 4-22) of the user identification data item (user profile data, col 4, lines 13-22; col 6, lines 36-53, postage meter per account); determining (508), as a function of the user characteristics (user profile data includes set parameter, col 4, lines 13-22; col 6, lines 34-67; col 7, lines 10-39) and of the peripheral device identification data item obtained (postage meter per account, col 6, lines 36-46), a configuration profile (ad data profile, fig 5, col 8, lines 41-67) applicable for configuring (software firmware, col 7, lines 40-50) the operating mode of the peripheral device (618, fig 4, col 6, line 54 to col 7, line 5; col 11, lines 4-23) for a document processing (600-618, fig 4, col 6, line 54 to col 7, line 5), request coming from said user (user profile data includes set parameter for controlling third party advertising, 600-618, fig 4, col 4, lines 15-21). Desai teaches obtaining (504) a user identification

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data item from a request sent by a client station operated by said user (username, col 11, line 40 to col 13, line 20); obtaining a peripheral device identification data item from said request to configuring the operating mode of the peripheral device (device id, col 11, line 40 to col 13, line 20). It would have been obvious to one having ordinary skill in the art to incorporate the teaching where user can set their system profile and associate profile for other devices/terminal for configuration updates taught by Desai into the system of the Pierce to host user profile and associated peripheral device at remotely located central data center for remotely configuring peripheral (postage system). In view of the Supreme Court's recent opinion in *KSR Int'l Co. v. Teleflex Inc.*, In *KSR*, the Supreme Court reaffirmed that "[w]hen a patent 'simply arranges old elements with each performing the same function it had been known to perform' and yields no more than one would expect from such an arrangement, the combination is obvious. This reasoning is applicable here. Regarding the combinability of the prior arts, where user can set their system profile and associate profile for other devices/terminal for configuration updates taught by Desai into the system of the Pierce to host user profile and associated peripheral device at remotely located central data center for remotely configuring peripheral (postage system are merely familiar elements combinable according to known methods in a manner that would have yielded predictable results.

***Conclusion***

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD A. SIDDIQI whose telephone number is (571)272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS

/Nathan J. Flynn/  
Supervisory Patent Examiner, Art Unit 2454